



FENWICK & WEST LLP

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FEB 07 2006

FACSIMILE TRANSMISSION

CONFIDENTIAL

DATE: February 7, 2006

CLIENT-MATTER NO.: 23540-07445

To:

| NAME | FAX NO. | PHONE NO. |
|---|--------------|-----------|
| Examiner Marjorie Moran Group Art No. 1631 US Patent And Trademark Office | 571-273-8300 | |

FROM: Susan T. Hubl

PHONE: (415) 875-2316

SENT BY: Tiffany Bell

PHONE: (415) 875-2445

RE: U.S. Patent Appl. No. 09/955,663

NUMBER OF PAGES WITH COVER PAGE: 16

ORIGINAL WILL NOT FOLLOW

MESSAGE:

Response with 1 month Extension of Time

CAUTION - CONFIDENTIAL

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23540/01000/SF/5161340.1

PTO/SB/21 (modified)

Approved for use through xx/xx/xx, OMB 0651-0031

Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

| | | | |
|--|--|------------------------|---------------------------------|
| 0001/PTO Rev. 10/95 | U.S. Department of Commerce Patent and Trademark Office | Application Number | 09/955,663 |
| TRANSMITTAL FORM (to be used for all correspondence during pendency of filed application) | | Filing Date | September 19, 2001 |
| | | First Named Inventor | David M. Roche |
| | | Group Art Unit Number | 1631 |
| | | Examiner Name | MARJORIE MORAN |
| Total Number of Pages in This Submission | 15 | Attorney Docket Number | 23540-07445 (UC Ref 2001-072-2) |

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| ENCLOSURES (check all that apply) | |
|--|---|
| <input checked="" type="checkbox"/> Fee Transmittal Form (in duplicate) <input checked="" type="checkbox"/> Deposit Account Authorization <input type="checkbox"/> Return Receipt Postcard <input type="checkbox"/> Response to Notice to File Missing Parts <input type="checkbox"/> Assignment & Recordation Cover Sheet <input type="checkbox"/> Declaration (copy) <input type="checkbox"/> Power of Attorney <input type="checkbox"/> Application Data Sheet <input type="checkbox"/> Information Disclosure Statement & PTO/SB/08A <input type="checkbox"/> Copies of Cited References <input type="checkbox"/> Request for Corrected Filing Receipt <input type="checkbox"/> Copy of Filing Receipt <input checked="" type="checkbox"/> Response w/1 Mo. Extension: [12] Page(s) <input type="checkbox"/> After Final <input type="checkbox"/> Status Request <input type="checkbox"/> Revocation and Substitute Power of Attorney | <input type="checkbox"/> Issue Fee Transmittal <input type="checkbox"/> Letter to Chief Draftsperson <input type="checkbox"/> Formal Drawing(s): [] Sheet(s) of Figure(s) [] <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> |
| REMARKS: | |

| SIGNATURE OF ATTORNEY OR AGENT | |
|--------------------------------|---------------------------------------|
| Signature: | <i>Susan T. Hubl</i> |
| Attorney/Reg. No.: | Susan T. Hubl, Ph.D., Reg. No. 47,668 |
| Dated: | February 7, 2006 |

| CERTIFICATE OF FACSIMILE TRANSMISSION | |
|--|----------------------|
| I hereby certify that this correspondence, including the enclosures identified above, is being transmitted via facsimile on the date shown below to: Mail Stop Amendment, Commissioner for Patents, at the facsimile number of (571) 273-8300; | |
| Signature: | <i>Susan T. Hubl</i> |
| Typed or Printed Name: | Susan T. Hubl, Ph.D. |
| Dated: | February 7, 2006 |
| Express Mail Mailing Number (optional): | |

23540/07445/SF/5161329.1

FEE TRANSMITTAL for FY 2005

Patent fees are subject to annual revision.

Complete if Known

| | |
|----------------------|---------------------------------|
| Application Number | 09/955,663 |
| Filing Date | September 19, 2001 |
| First Named Inventor | David M. Roche |
| Examiner Name | Marjorie Moran |
| Art Unit | 2131 |
| Attorney Docket No. | 23540-07445 (UC Ref 2001-072-2) |

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☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT

\$ 60.00

METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit Card ☐ Money Order ☐ Other ☐ None
☒ Deposit Account

Deposit Account Number 19-2555

Deposit Account Name Fenwick & West LLP

The Commissioner is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments
☒ Charge all required fee(s) or any underpayment of fee(s) due under 37 CFR §1.16 or §1.17 during the pendency of this application
☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

Large Entity Small Entity

| Fee Code | Fee (\$) | Fee Code | Fee (\$) | Fee Description | Fee Paid |
|--------------|----------|----------|----------|-----------------|----------|
| 2001 | | | | | |
| SUBTOTAL (1) | | | | | (\$0) |

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

| Total Claims | Extra Claims | Fee from below | Fee Paid |
|--------------|--------------|----------------|----------|
| 11 | 20 | 0 | 0 |
| 1 | 3 | 0 | 0 |

Multiple Dependent

| Large Entity Fee Code | Small Entity Fee Code | Fee Description |
|-----------------------|-----------------------|---|
| 1202 50 | 2202 25 | Claims in excess of 20 |
| 1201 200 | 2201 100 | Independent claims in excess of 3 |
| 1203 380 | 2203 180 | Multiple dependent claim, if not paid |
| 1204 200 | 2204 100 | **Reissue independent claims over original patent |
| 1205 50 | 2205 25 | **Reissue claims in excess of 20 and over original patent |

SUBTOTAL (2)

(\$0)

-or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

| Large Entity Fee Code | Small Entity Fee Code | Fee Description | Fee Paid |
|-----------------------|-----------------------|--|----------|
| 1051 130 | 2051 65 | Surcharge - late filing fee or oath or declaration | |
| 1052 50 | 2052 25 | Surcharge - late provisional filing fee or cover sheet | |
| 1053 130 | 2053 130 | Non-English specification | |
| 1812 2,520 | 1812 2,520 | For filing a request for <i>ex parte</i> reexamination | |
| 1804 920* | 1804 920* | Requesting publication of SIR prior to Examiner action | |
| 1805 1,840* | 1805 1,840* | Requesting publication of SIR after Examiner action | |
| 1251 120 | 2251 60 | Extension for reply within first month | 60 |
| 1252 450 | 2252 225 | Extension for reply within second month | |
| 1253 1020 | 2253 510 | Extension for reply within third month | |
| 1254 1,590 | 2254 795 | Extension for reply within fourth month | |
| 1255 2,160 | 2255 1,080 | Extension for reply within fifth month | |
| 1401 500 | 2401 250 | Notice of Appeal | |
| 1402 500 | 2402 250 | Filing a brief in support of an appeal | |
| 1403 1000 | 2403 500 | Request for oral hearing | |
| 1451 1,510 | 1451 1,510 | Petition to institute a public use proceeding | |
| 1452 500 | 2452 250 | Petition to revive - unavoidable | |
| 1453 1,500 | 2453 750 | Petition to revive - unintentional | |
| 1501 1,400 | 2501 700 | Utility issue fee (or reissue) | |
| 1502 800 | 2502 400 | Design issue fee | |
| 1503 1100 | 2503 550 | Plant issue fee | |
| 1460 | 1460 | Petitions to the Director | |
| 1807 50 | 1807 50 | Processing fee for Provisional Applications | |
| 1806 180 | 1806 180 | Submission of Information Disclosure Stmt | |
| 8021 40 | 8021 40 | Recording each patent assignment per property (times number of properties) | |
| 1809 790 | 2809 395 | Filing a submission after final rejection (37 CFR 1.129(a)) | |
| 1810 790 | 2810 395 | For each additional invention to be examined (37 CFR 1.129(b)) | |
| 1801 790 | 2801 395 | Request for Continued Examination (RCE) | |
| 1802 900 | 1802 900 | Request for expedited examination of a design application | |

Other fee (specify) Request to Correct Inventorship in Provisional Application

SUBTOTAL (3) \$ 60.00

*Reduced by Basic Filing Fee Paid

SUBMITTED BY

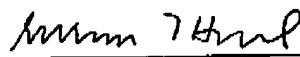
Complete (if applicable)

| | | | | |
|-------------------|----------------------|-----------------------------------|--------|---------------------------|
| Name (Print/Type) | Susan T. Hubl, Ph.D. | Registration No. (Attorney/Agent) | 47,668 | Telephone: (510) 875-2316 |
| Signature | <i>Susan T. Hubl</i> | | Date | February 7, 2006 |

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FEB 07 2006

| | |
|---|--|
| APPLICANT(S): | David M. Roche |
| APPLICATION NO.: | 09/955,663 |
| FILING DATE: | September 19, 2001 |
| TITLE: | Method for Determining Measurement Error for Nucleic Acid Microarrays |
| EXAMINER: | Marjorie Moran |
| GROUP ART UNIT: | 1631 |
| ATTY. DKT. NO.: | 23540-07445US (UC Ref 2001-072-2) |
| CERTIFICATE OF TRANSMISSION | |
| I hereby certify that this correspondence is being transmitted on the date shown below via facsimile to the attention of: Examiner MARJORIE MORAN at facsimile number 571-273-8300. | |
| <u>2/7/06</u> Date |  Susan T. Hubl, Ph.D., Reg. No.: 47,668 |

COMMISSIONER FOR PATENTS
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450

RESPONSE

SIR:

In Response to the non-final Office Action mailed 10/07/05 Applicant respectfully requests reconsideration of the claims in the above-identified application in view of the following amendments and remarks for the purpose of putting the application in condition for allowance. Included with this Response is a Request for Extension of Time for 1 month(s) and the appropriate fee. This Response therefore is timely filed.

Applicant notes that the Attorney Docket No. for this case has changed. The correct Attorney Docket No. is 23540-7445US.

Amendments to the Claims begin on page 2. Remarks begin on page 5.

02/08/2006 TL0111 00000046 192555 09955663
01 FC:2251 60.00 DA